

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER KITE and DAVID HATTON

Appeal No. 2007-1613
Application 10/659,413

Mailed: August 15, 2008

Before DALE M. SHAW, *Chief Appeals Administrator*.

SHAW, *Chief Appeals Administrator*.

ORDER REMANDING TO EXAMINER

INFORMATION DISCLOSURE STATEMENT

Appellants filed an Information Disclosure Statement (IDS) dated June 20, 2008. There is no indication on the record that the Examiner has considered the above IDS. MPEP § 609 requires the Examiner to consider any IDS filed by Appellants if timely submitted. A written communication

notifying Appellants of the Examiner's consideration of the above IDS is required.

CONCLUSION

Accordingly, it is

ORDERED that this application be returned to the Examiner to:

- (1) consider the Information Disclosure Statement filed June 20, 2008;
- (2) notify Appellants in writing of such consideration; and
- (3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/clj

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